

GUIDELINES FOR SUBMITTING APPLICATIONS FOR NATIONAL MARINE SANCTUARY OVERFLIGHT AUTHORIZATIONS/PERMITS

A. INTRODUCTION

National Marine Sanctuaries are recognized as resource areas of national significance. Their distinctive characteristics have established them as environmental and historic resources for scientific research and public education. Each Sanctuary has specific regulations in place to safeguard marine resources within its boundaries. The National Marine Sanctuary Program has developed a system of permits and authorizations to review requests to conduct otherwise prohibited activities. The guidelines presented below describe the Sanctuary authorization/permit process.

Overflights below 1000 feet within one nautical mile of any of the islands within the Channel Islands National Marine Sanctuary or Gulf of the Farallones National Marine Sanctuary is prohibited by Sanctuary regulations at 15 CFR Part 922.71(a)(5) and 922.82(a)(5) respectively. Overflights below 1000 feet altitude within four prescribed zones of the Monterey Bay National Marine Sanctuary are prohibited by Sanctuary regulation 15 CFR Part 922.132(a)(6) to protect critical seabird and marine mammal habitat from disturbance. Overflights below 2000 feet altitude are prohibited within four prescribed zones of the Olympic Coast National Marine Sanctuary by regulations 15 CFR Part 922.152(a)(6). Any planned overflight that will violate Sanctuary regulations must first be approved by issuance of a Sanctuary "authorization" or "permit".

Authorizations are issued by the Sanctuary manager or superintendent under special circumstances for non-research/education related activities otherwise prohibited by Sanctuary regulations. An authorization must be issued in conjunction with a valid lease, permit, license, approval or other authorization issued by any Federal, State, or local authority of competent jurisdiction.

Permits are issued by the Sanctuary manager or superintendent for research and education related activities otherwise prohibited by Sanctuary regulations. The manager or superintendent can issue such permits if he/she determines that the activity will have only negligible short-term adverse effects on Sanctuary resources and qualities and will further research related to Sanctuary resources and qualities or further the educational, natural, or historical resource value of the Sanctuary.

Anyone conducting prohibited activities without a valid National Marine Sanctuary permit or authorization may be subject to the penalties as provided under Section 307 of the National Marine Sanctuaries Act (as amended). A civil penalty of up to \$119,000 for each violation of any regulation may be levied.

B. APPLICATION CONTENTS

1. Cover Sheet or Letter: The cover sheet or letter shall identify the following: 1) area of the National Marine Sanctuary where the proposed activity will take place; 2) title of the project; 3)

name, address, telephone number, and affiliation of the applicant and responsible authorization/permit holder; 4) name, address, telephone number, and affiliation of and relationship of any colleagues covered by the authorization/permit; 5) project duration; and 6) signature of the applicant. The cover letter must specify the individual(s) who will assume responsibility for the requested authorization/permit. The individual(s) must have the authority to control the activity and assure that permit conditions are met. It is best that the person(s) assuming responsibility for the authorization/permit submit the application. This helps reduce processing time if questions arise or additional information is required.

2. Project Summary or Abstract: A 250-word (maximum) summary shall include a brief statement of objectives, methods to be used, and why it is preferable that the low-altitude overflight occur within an overflight restriction zone(s) of the Sanctuary. The summary shall also specify the significance of the proposed work to the Sanctuary or to the National Marine Sanctuary System.

3. Technical Information: This includes clear, concise, and complete statements in the following categories:

a. Purpose. Reason for the activity.

b. Objectives. State the objectives of the project.

c. Project Significance. Explain why the project should be performed in the Sanctuary and the potential benefits to the Sanctuary.

d. Methods. Describe the tasks required to accomplish the project's objectives. Provide an adequate description of methods and procedures. Describe the rationale for selecting the proposed methods over any alternative methods. Specify the exact location of work within the Sanctuary and provide a map showing the proposed project location(s) and a description of the habitat area affected. Also indicate the intended start date, frequency, anticipated duration of the activity, and hours of flight operations. Specify the number and type of aircraft to be used (make and model), aircraft markings and tail numbers, the lowest planned flight altitude, the overall flight plan and schedule, detailed flight patterns, (repeat transects, circling, hovering, diving, etc.), refueling plan, and landing/takeoff locations. Identify any special equipment that will be mounted on, lowered, or towed from the aircraft. Identify any object planned for release from the aircraft. Also submit a communications plan that identifies call signs and frequencies for all aircraft and project participants.

e. Personnel. Identify the individuals who would be supervising project activities and the name of the pilot(s) and aviation company(ies) involved. Provide qualifications and evidence of ability to perform and supervise tasks. The authorization/permit holder is ultimately responsible for all activities carried out under a Sanctuary authorization or permit. Provide a copy of a current Federal Aviation Administration (FAA) pilot's license and FAA medical certificate for each pilot operating aircraft as part of the proposed activity within the Sanctuary.

4. Environmental Consequences

Discuss the environmental consequences of conducting an otherwise prohibited activity and indicate whether the activity could be conducted outside the Sanctuary and still accomplish the project's objectives. Specify the consequences and explain how the benefits of the activity will outweigh the disadvantages or environmental consequences (short and long term).

5. Supporting Information

- a. Copies of Other Permits. Applicant must include, if applicable, copies of other Federal, state and/or local permits issued with regards to this authorization/permit request. For example, County permits, California Department of Fish and Game, California State Parks, etc.
- b. Other Sanctuary Permits or Authorizations. Applicants should include a listing of all their previous Sanctuary permits/authorizations.

C. SUBMISSION OF AUTHORIZATION/PERMIT REQUESTS

One (1) copy of requests for permits should be sent to the appropriate sanctuary contact listed in section I below. Authorization applications must be submitted at least forty-five (45) days in advance of the requested effective date to allow sufficient time for evaluation and processing. Sensitive or complicated requests, or requests for Sanctuary support should be submitted 90 days in advance. If additional time is required for review, the applicant will be notified within 20 days of the receipt of the request. Requests for permits must be addressed to the manager or superintendent of the Sanctuary in which the activities are to be conducted. A listing of their addresses and phone numbers can be found in Section I.

D. EVALUATION OF AUTHORIZATION/PERMIT REQUESTS

Authorization/permit applications are reviewed for completeness and adherence to these guidelines. Applicants will be contacted for clarification if applications are incomplete. Complete applications are reviewed by on-site Sanctuary personnel, NOAA program officials, and, where necessary, peer-reviewed by outside experts. Applications are judged on the basis of: 1) relevance or importance to the Sanctuary; 2) scientific and educational merits; 3) appropriateness and environmental consequences of the technical approach; and 4) whether the proposed activity is more appropriately conducted outside the Sanctuary.

E. CONDITIONS OF AUTHORIZATIONS/PERMITS

Based on the reviews of the authorization/permit application, the program will approve or deny the proposed activity. If denied, applicants are notified of the reason(s) for denial and informed of the appeal process. Approved authorizations and permits are issued by the Sanctuary manager or superintendent.

Authorization/permit holders must counter-sign the authorization/permit and return copies to on-site Sanctuary personnel prior to conducting the approved activities. Copies must be signed and

returned within 10 days of receipt by the applicant. If not returned within 30 days, the authorization/permit will automatically be canceled.

Authorization/ permit holders must be present during all authorized operations. Authorizations and permits are non-transferable. Authorization/permit holders must abide by all provisions set forth in the authorization/permit as well as applicable Sanctuary regulations. Project summaries and technical information are incorporated into the conditions of the authorization/permit. Authorized activities must be conducted with adequate safeguards for the environment. To the extent possible, the environment shall be returned to the conditions which existed prior to the authorized activity.

Two important conditions of any authorization/permit are that the authorization/permit holder submit a project report and log to the Sanctuary office within 30 days of the authorization/permit's expiration date. The project report is a brief (1-2) page statement summarizing the results of authorized activities. A log should list the days spent in the Sanctuary as well as activities pursued, approximate positions, and general observations. Project reports are used in Sanctuary interpretive programs and logs are used in the assessment of Sanctuary activities.

The Sanctuary manager or superintendent may immediately amend, suspend, or revoke an authorization/permit granted pursuant to these guidelines and Sanctuary regulations, in whole or in part, temporarily or indefinitely, if in his/her view the authorization/permit holder(s) acted in violation of the terms of the authorization/permit or of applicable Sanctuary regulations, or for any good cause shown. Formal notice of such action shall be subsequently communicated in writing to the authorization/permit holder and shall set forth the reason for the action taken. The authorization/permit holder in relation to whom the action is taken may appeal the action as provided for in the Sanctuary regulations.

F. AMENDMENTS TO ACTIVE AUTHORIZATIONS/PERMITS

Requests for amendments to active authorizations/permits (e.g. change in study design or other form of amendment) must conform to these guidelines. Persons desiring to continue authorized activities in the Sanctuary must reapply for an extension of his/her current authorization/permit before it expires. Reference to the original application may be given in lieu of a new application, provided the scope of work does not change significantly and all report logs and project summaries pertinent to the original authorization/permit have been submitted to and approved by the Sanctuary.

G. MONITORING PERFORMANCE

Authorized activities will be monitored to ensure compliance with the conditions of the authorization/permit. Sanctuary personnel may periodically assess work in progress by visiting the project location and observing any authorized activity or by reviewing any required reports. The discovery of any irregularities in conformance to the authorization/permit shall be promptly reported and appropriate action shall be taken. Authorized activities will be evaluated and the findings used to evaluate future applications.

H. REPORTING BURDEN

The information requested in these guidelines is necessary to evaluate whether issuance of an authorization/permit is appropriate. The information is used to evaluate the potential benefits of the activity, to determine whether the proposed methods will achieve the proposed results, and to evaluate any possible detrimental environmental impacts. It is through this evaluation and the tracking of all otherwise prohibited activities that the National Marine Sanctuary Program is able to use permitting as one of the management tools to protect Sanctuary resources and qualities. Submittal of the information requested in these guidelines is required to obtain a permit or authorization pursuant to National Marine Sanctuary Regulations (15 CFR part 922). Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). NOAA will make all possible attempts to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). Personal information affecting an individual's privacy will also be kept confidential consistent with 5 U.S.C. 552(b)(6).

Public reporting burden for this collection of information is estimated to average one (1) hour per response (application, cruise log, and final report), including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to John Armor, Permit Coordinator, NOAA National Marine Sanctuary Program, 1305 East-West Highway (N/ORM6), 11th Floor, Silver Spring, MD 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

I. FURTHER INFORMATION

For further information on the National Marine Sanctuary Program, write or call the National Marine Sanctuary Program office or the on-site sanctuary contacts listed below:

NATIONAL MARINE SANCTUARY PROGRAM

Mr. John Armor, Permit Coordinator
National Marine Sanctuary Program, NOAA
1305 East-West Highway (N/ORM6)
Silver Spring, MD 20910-3282
301-713-3125, x117
Fax: 301-713-0404
John.armor@noaa.gov

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

LCDR Matt Pickett, Manager
Channel Islands National Marine Sanctuary
113 Harbor Way
Santa Barbara, California 93109
805-966-7107
Fax: 805-568-1582
channelislands@noaa.gov

GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

Mr. Ed Ueber, Manager
Gulf of the Farallones National Marine Sanctuary
Fort Mason, Building #201
San Francisco, California 94123
415-556-3509
Fax: 415-556-1660
farallones@noaa.gov

MONTEREY BAY NATIONAL MARINE SANCTUARY

Mr. William Douros, Superintendent
Monterey Bay National Marine Sanctuary
ATTN. Scott Kathey, Permit Coordinator
299 Foam Street, Suite D
Monterey, CA 93940
831-647-4201
Fax: 831-647-4250
montereybay@noaa.gov

OLYMPIC COAST NATIONAL MARINE SANCTUARY

Ms Carol Bernthal, Superintendent
Olympic Coast National Marine Sanctuary
138 West First Street
Port Angeles, WA 98362
360-457-6622
Fax: 360-457-8496
olympiccoast@noaa.gov